

**IN THE UNITED STATES DISTRICT COURT  
OF THE DISTRICT OF COLUMBIA**

**JASON LEOPOLD,**  
6824 Lexington Avenue  
Los Angeles, CA 90038

**BUZZFEED INC.,**  
111 East 18th Street, 13th Floor  
New York, NY 10003

**Plaintiffs,**

**v.**

**U.S. DEPARTMENT OF JUSTICE**  
950 Pennsylvania Ave NW  
Washington, D.C. 20530

**Defendant.**

**Case No. 1:19-cv-03192**

**COMPLAINT**

1. Plaintiffs, JASON LEOPOLD and BUZZFEED INC., bring this Freedom of Information Act suit to force Defendant U.S. DEPARTMENT OF JUSTICE to produce the report that an independent monitor submitted to the DOJ detailing the Hong Kong and Shanghai Banking Corporation's (HSBC) compliance with its 2012 agreement with the DOJ to fix faulty money-laundering controls.

**PARTIES**

2. Plaintiffs JASON LEOPOLD and BUZZFEED INC. are members of the media and made the FOIA requests at issue in this case.

3. Defendant U.S. DEPARTMENT OF JUSTICE ("DOJ") is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

### **JURISDICTION AND VENUE**

4. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

### **JULY 29, 2019, FOIA REQUEST**

6. On July 29, 2019, Plaintiffs submitted a FOIA request to DOJ for a “copy of independent monitor Michael Cherkasky’s 1,000-page report to the Justice Department detailing HSBC’s compliance with a 2012 agreement with the Justice Department to fix faulty money-laundering controls as part of a \$1.9 billion deferred-prosecution agreement with DOJ, which found that HSBC had allowed billions of dollars to be moved throughout its network in violation of sanctions laws and anti-money-laundering statutes.” Exhibit A.

7. Plaintiffs also requested a fee waiver for this request. Exhibit A.

8. On July 29, 2019, DOJ sent an automated email to confirm the request submission and assigned tracking number EOUSA-2019-003891 to the matter.

9. On August 15, 2019, DOJ granted the request for fee waiver. Exhibit B.

10. As the date of this filing, DOJ has not issued a determination and has produced no records responsive to the request.

### **COUNT I – DOJ’S FOIA VIOLATION**

11. The above paragraphs are incorporated herein.

12. DOJ is a federal agency and is subject to FOIA.

13. The requested records are not exempt under FOIA.

14. DOJ has refused to produce the requested materials in a timely manner.

**WHEREFORE**, Plaintiffs ask the Court to:

i. declare that DOJ has violated FOIA;

- ii. order DOJ to conduct a reasonable search for records and to produce the requested records;
- iii. enjoin DOJ from withholding non-exempt public records under FOIA;
- iv. award Plaintiffs attorneys' fees and costs;
- v. award such other relief the Court considers appropriate.

Dated: October 24, 2019

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Attorney for Plaintiffs

Matthew Topic, IL0037  
Joshua Burday, IL0042  
Merrick Wayne, IL 0058  
LOEVY & LOEVY  
311 North Aberdeen, 3rd Floor  
Chicago, IL 60607  
312-243-5900  
foia@loevy.com